

AO 245B (Rev. 9/00) Judgment in a Criminal Case  
Sheet 1

FILED

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

SEP 30 PM 2:51  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

ANDREW MICHAEL SHELNUTT (I)

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 09CR3477 JM

David Baker

Defendant's Attorney

REGISTRATION NO. 17257298

☐

THE DEFENDANT:

☒

pleaded guilty to count(s) ONE AND THREE OF THE INDICTMENT.

☐

was found guilty on count(s)

after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offense(s):

Title & Section	Nature of Offense	Count Number(s)
18 USC 1030 (a)(5)(A) and (c)(4)(B)(i)	INTENTIONALLY CAUSING DAMAGE TO A PROTECTED COMPUTER	1
18 USC 2252 (a)(4)(B)	POSSESSION OF IMAGES OF MINORS ENGAGED IN SEXUALLY EXPLICIT CONDUCT	3

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐

The defendant has been found not guilty on count(s)

☒

Count(s) remaining

is ☐ are ☒ dismissed on the motion of the United States.

☒

Assessment: Count 1, \$100.00; Count 3, \$100.00, waived.

☒

Fine waived

☐

Forfeiture pursuant to order filed \_\_\_\_\_, included herein.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

September 16, 2010

Date of Imposition of Sentence

HON. JEFFREY T. MILLER

UNITED STATES DISTRICT JUDGE

09CR3477 JM

DEFENDANT: ANDREW MICHAEL SHELNUTT (1)

CASE NUMBER: 09CR3477 JM

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of  
COUNT 1, FIFTY-FOUR (54) MONTHS;  
COUNT 3, FIFTY-FOUR (54) MONTHS, TO RUN CONCURRENT WITH COUNT 1.

- ☐ Sentence imposed pursuant to Title 8 USC Section 1326(b).  
☐ The court makes the following recommendations to the Bureau of Prisons:

- ☐ The defendant is remanded to the custody of the United States Marshal.  
☐ The defendant shall surrender to the United States Marshal for this district:  
☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_  
as notified by the United States Marshal.

- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:  
☐ \_\_\_\_\_  
☐ as notified by the United States Marshal.  
☐ as notified by the Probation or Pretrial Services Office.

**RETURN**

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHALBy \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

09CR3477 JM

DEFENDANT: ANDREW MICHAEL SHELNUTT (1)  
CASE NUMBER: 09CR3477 JM

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

COUNT 1, THREE (03) YEARS;

COUNT 3, NINE (09) YEARS, TO RUN CONCURRENT WITH COUNT 1.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

*For offenses committed on or after September 13, 1994:*

The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court. Testing requirements will not exceed submission of more than 4 drug tests per month during the term of supervision, unless otherwise ordered by court.

☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

☒ The defendant shall cooperate in the collection of a DNA sample from the defendant, pursuant to section 3 of the DNA Analysis Backing Elimination Act of 2000, pursuant to 18 USC sections 3563(a)(7) and 3583(d).

☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)

☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution obligation, it is a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in this judgment.

The defendant must comply with the standard conditions that have been adopted by this court. The defendant shall also comply with any special conditions imposed.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

09CR3477 JM

DEFENDANT: ANDREW MICHAEL SHELNUTT (1)  
CASE NUMBER: 09CR3477 JM**SPECIAL CONDITIONS OF SUPERVISION**

- ☒ Submit person, property, house, residence, vehicle, papers, computers, electronic communications or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of probation/supervised release or unlawful conduct, and otherwise in the lawful discharge of the officer's duties. 18 USC § 3563 (b)(23); 3583 (d)(3).
- ☒ Reside in a residence approved in advance by the probation officer, and any changes in residence shall be pre-approved by the probation officer.
- ☒ Consent to third party disclosure to any employer, potential employer, concerning any restrictions that are imposed by the court.
- ☒ Not associate with, or have any contact with any sex offenders unless in an approved treatment and/or counseling setting.
- ☐ Not reenter the United States illegally.
- ☐ Not enter the Republic of Mexico without written permission of the Court or probation officer.
- ☐ Report all vehicles owned or operated, or in which you have an interest, to the probation officer.
- ☐ Not possess any narcotic drug or controlled substance without a lawful medical prescription.
- ☐ Not associate with known users of, smugglers of, or dealers in narcotics, controlled substances, or dangerous drugs in any form.
- ☒ Complete a sex offender evaluation, which may include periodic psychological, physiological testing, and completion of the ABEL assessment, at the direction of the court or probation officer. Physiological testing is limited to polygraph only, unless upon court order based on recommendations and reasons set forth; that the offender participate and successfully complete an approved state-certified sex offender treatment program, including compliance with all lifestyle restrictions and treatment requirements of the program. The offender will allow reciprocal release of information between the probation officer and the treatment provider. The offender may also be required to contribute to the costs of services rendered in an amount to be determined by the probation based on the ability to pay.
- ☒ Participate in and successfully complete a residential drug treatment program as directed by the probation officer.
- ☐ Provide complete disclosure of personal and business financial records to the probation officer as requested.
- ☒ Not have unsupervised contact with any child under the age of 18, unless in the presence of a supervising adult (who is aware of the defendant's deviant sexual behavior and conviction), and with the prior approval of the probation officer.
- ☒ Not be employed in or participate in any volunteer activity that involves contact with children under the age of 18, except under circumstances approved in advance (and in writing) by the probation officer.
- ☒ Participate in a program of drug or alcohol abuse treatment, including urinalysis testing and counseling, as directed by the probation officer. Testing to be done between two to eight times per month. May be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the ability to pay.
- ☒ Reside in a Residential Reentry Center (RRC) as directed by the probation officer for a period of up to 120 days, pending placement in a residential drug treatment program.
- ☒ Not accept or commence employment without prior approval of the probation officer, and employment should be subject to continuous review and assessment by the probation officer.
- ☒ Not be self-employed or employed in any position or circumstance unless approved by probation.
- ☒ Not use or possess devices which can communicate data via modem or dedicated connection and may not have access to the Internet without prior approval from the court or the probation officer. The offender shall consent to the installation of systems that will enable the probation officer to monitor computer use on any computer owned or controlled by the offender. The offender shall pay for the cost of installation of the computer software.
- ☒ Not possess any materials such as videos, magazines, photographs, computer images or other matter that depicts "sexually explicit conduct" involving children and/or adults, as defined by 18 USC 2256(2); and not patronize any place where such materials or entertainment are available.

AO 245S Judgment in Criminal Case  
Sheet 5 — Criminal Monetary Penalties

Judgment — Page 5 of 5

DEFENDANT: ANDREW MICHAEL SHELNUTT (1)  
CASE NUMBER: 09CR3477 JM

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### RESTITUTION

The defendant shall pay restitution in the amount of \$ 3,908.00 unto the United States of America.

This sum shall be paid            immediately.  
  x   as follows:

Payable forthwith to the Clerk, US District Court or through the Inmate Financial Responsibility Program at the rate of \$25 per month during the period of incarceration, with the payment of any remaining balance to be made following release at \$25 per month to:

Cari.Net, 8913 Complex Drive, San Diego, CA 92123.

The Court has determined that the defendant does not have the ability to pay interest. It is ordered that:

  x   The interest requirement is waived.

           The interest is modified as follows:

09CR3477 JM